

Testimony to the House Natural Resources Committee on HB 232  
Wednesday, January 19, 2011

I strongly oppose HB 232 because it does not strengthen the right of consultation for local governments. HB 232 attempts to amend MEPA to define requirements for consultation with local government, but the proposed bill only adds an extra step of written comments. The extra right of written comments does not equate to local governments being a significant part of the planning process for major projects that impact their jurisdiction.

I view HB 232 as a bill that will try to override the recent court ruling for local governments statewide that was recently achieved through a favorable ruling for Jefferson County versus Montana Department of Environmental Quality (DEQ) in Montana's Fifth District. Subsequent to this ruling, the litigants, Jefferson County and DEQ, submitted arguments to the court about how to implement the ruling. DEQ still has not worked with Jefferson County in order to remedy the lack of consultation between Jefferson County and MTDEQ. Additional court hearings may be scheduled soon regarding implementation. I suspect that passage of HB 232 is what DEQ is counting on to negate the court ruling, and to alleviate any responsibility of significant consultation with local governments.

As an example of the lack of local government consultation specifically with DEQ, I will cite the situation where the Town of Whitehall does not appear on maps and rarely within the text of the Draft Environmental Impact Statement for the Mountain States Transmission Intertie (MSTI). There are three I-90 crossings by the proposed MSTI line in Cardwell and Whitehall and thousands of residents walled in, some surrounded on three sides. How could a rational major facilities siting process lead to our state government ignoring the largest town in the route? I suggest that this can only happen because of lack of consultation with local governments. Indeed, the Town of Whitehall has never been contacted by DEQ regarding the MSTI project.

In summary, I urge you to withdraw HB 232 for the best interest of local governments statewide.

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